

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

MDL No. 1456

C.A. No.: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO  
ALL CLASS ACTIONS

Judge Patti B. Saris

**WATSON PHARMACEUTICALS, INC.'S RESPONSE TO CLASS  
PLAINTIFFS' RESPONSE TO AMGEN AND WATSON'S  
SUPPLEMENTAL OPPOSITION TO CLASS CERTIFICATION**

Exhibit 3: Declaration of Michelle L. Butler

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
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Judge Patti B. Saris

**DECLARATION OF MICHELLE L. BUTLER**

1. I am an attorney at Hyman, Phelps & McNamara, P.C. I am one of the attorneys representing Watson Pharmaceuticals, Inc. ("Watson") in this litigation.

2. In an email sent on August 13, 2007, Plaintiffs provided a chart that listed alleged Class 2 and Class 3 coverage as to Watson based on Watson's subject drugs: injectable dexamethasone acetate, injectable dexamethasone sodium phosphate, injectable gentamicin sulfate, injectable vancomycin hydrochloride, diazepam intravenous solution, INFeD<sup>®</sup>, and Ferrlecit<sup>®</sup>.<sup>1</sup> Plaintiffs' chart alleged Class 2 coverage in a variety of states by Sheet Metal Workers National Fund ("Sheet Metal Workers") and United Food and Commercial Workers Unions and Employers Midwest Health

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<sup>1</sup> Plaintiffs' chart included information pertaining to lorazepam (J2060), fluphenazine (J2680), and an inhalation form of dexamethasone (J7637 and J7638). However, none of these drugs is a subject drug for Watson: (1) lorazepam because the injectable product was a new drug stricken from the case by the Court's April 13, 2006, Order; (2) fluphenazine because Watson never marketed an injectable version of this drug; and (3) inhalation dexamethasone because Watson never marketed an inhalation version of dexamethasone.

Benefits Fund (“UFCW”). Plaintiffs’ chart alleged Class 3 coverage in a variety of states by UFCW and Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust (“Pirelli”). A copy of the chart is attached as Exhibit A.

3. In an email sent on September 7, 2007, Plaintiffs provided a revised chart, which deleted reference to coverage by UFCW in certain states. A copy of this chart is attached as Exhibit B.

4. With regard to Ferrlecit, I reviewed the documents cited by the Plaintiffs in the revised chart to support coverage by Sheet Metal Workers and Pirelli. I prepared two charts (one for Sheet Metal Workers and one for Pirelli) showing the Ferrlecit J-Code, the date of administration, the name of the place at which the drug was administered, and the state of administration. A copy of the chart related to administrations reimbursed by Sheet Metal Workers is attached as Exhibit C. A copy of the chart related to administrations reimbursed by Pirelli is attached as Exhibit D.

5. As shown in Exhibits C and D, Plaintiffs’ revised chart referred to reimbursements for administrations of Ferrlecit for the period of August 2001 to December 2003 (none of which was in Massachusetts, and therefore had not been discussed in Watson’s earlier opposition to class certification).

6. All of the reimbursements claimed for Sheet Metal Workers for Ferrlecit appear to have occurred at dialysis clinics or outpatient facilities. See Exhibit C.

7. Plaintiffs’ revised chart contained no reference to any alleged coverage for Ferrlecit by UFCW, for either Class 2 or Class 3. See Exhibit B.

8. Legal assistants under my direct supervision reviewed the claims forms for

the Sheet Metal Workers reimbursements alleged in Plaintiffs' revised chart as to Watson's generic multi-source subject drugs (injectable dexamethasone acetate, injectable dexamethasone sodium phosphate, injectable gentamicin sulfate, injectable vancomycin hydrochloride, diazepam intravenous solution). I reviewed a chart of these administrations and found that all reimbursements for the generic multi-source drugs by Sheet Metal Workers occurred within the period from June 2000 to November 2003. These administrations are in the same time period as those discussed in Watson Pharmaceuticals, Inc.'s Individual Memorandum in Opposition to Class Certification, filed June 15, 2006 (redacted version filed June 30, 2006) (Docket No. 2810). Accordingly, for the reasons discussed in that pleading, it was highly unlikely to impossible that the drugs administered were Watson's drugs (or those of its affiliate, Schein Pharmaceutical, Inc.).

9. Plaintiffs' original and revised charts contained references to reimbursements by UFCW as the basis for Class 2 and Class 3 coverage for certain Watson subject drugs other than Ferrlecit. Because Plaintiffs' charts only referred to "UFCW data" rather than any specific citations, and the data we had were incomprehensible because there were no column headings, we requested a copy of the underlying data from Plaintiffs. We received these data, which consisted of hundreds of pages of line listings of reimbursements, on September 8, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of September, 2007.

A handwritten signature in blue ink, reading "Michelle L. Butler", is written over a horizontal line.

Michelle L. Butler

## Exhibit A

## Watson Track II Drug Coverage Class 2 (Sheet Metal Workers and UFCW) and Class 3 (Pirelli and UFCW)

Dexamethasone Acetate	J1094	Multi	AL AR AZ CA FL GA IL IN LA MS NY OH PA TN	none	AZ CA IA MS TN	AR CA IL KY
Dexamethasone Sodium	J1100, J7637, J7638	Multi	AL AR AZ CA CO CT FL GA IA IL IN KS KY LA MA MD MI MN MO MS MT NC ND NE NJ NV NY OH OK OR PA RI SC TN TX VA VT WA WI WV	IL	AZ CA FL IA IL KY LA MO MS TN	AR FL IL IN LA MO NV OK TN TX WI
Diazepam	J3360	Multi	AL AR CA FL GA IL IN KS MA MN NY OH OR PA SC TN TX	none	FL IA NV TN	AR AZ IL
Ferlecit	J2916	Multi	GA IL LA NJ NY OH PA TX WI	none	TN	IL WI
Fluphenazine	J2680	Multi	none	none	none	IL
Gentamicin	J1580	Multi	AL AR AZ CA CO CT FL GA IL IN LA MA MD MI MN MO NC ND NJ NY OH PA SC TN TX VA WA WI	none	CA FL IA LA MS TN	FL IL MO

Watson Track II Drug Coverage Class 2 (Sheet Metal Workers and UFCW) and Class 3 (Pirelli and UFCW)

Infed	J1750	Multi	AL AZ CA CO FL IA IL IN KY LA MA MD MI MN ND NE NJ NY OH PA TX WA WI WV	none	CA IA MO	IL MI
Lorazepam	J2060	Multi	AR AZ CA FL GA IL IN KS KY MD MN NE NJ NV OH TX WA WI	none	MS	FL IL IN MO
Vancomycin	J3370	Multi	AL AR CA CO FL GA IA IL IN KS KY LA MA MD MN MO NE NJ NY OH PA TN TX WA WI WV	none	FL TN	FL IL IN



**WATSON – Track 2 Nationwide Coverage – CLASS 2**  
**(Sheet Metal Workers and UFCW)**

Drug	HCPCS Code	Drug Source	Class 2 Sample Documentation	
			State	Document
<b>Dexamethasone Acetate</b>	<b>J1094</b>	<b>Multi</b>	AL	SMW82213 – SMW82222
			AR	SMW094880 – SMW094882
			AZ	SMW45291 – SMW5293
			CA	SMW105524 – SMW105532
			FL	SMW80200 – SMW80212
			GA	SMW39052 – SMW39054
			IL	SMW51201 – SMW51203
			IN	SMW093816 – SMW093818
			LA	SMW81442 – SMW81444
			MS	SMW101381 – SMW101382
			NY	SMW60173 – SMW60274
			OH	SMW099219 – SMW099220
			PA	SMW102094 – SMW102096
			TN	SMW093937 – SMW093939
<b>Dexamethasone Sodium</b>	<b>J1100, J7637, J7638</b>	<b>Multi</b>	AL	SMW88064 – SMW88068
			AR	SMW62000 – SMW62002
			AZ	SMW55394 – SMW55398
			CA	SMW64848 – SMW64851
			CO	SMW88149 – SMW88151
			CT	SMW87833 – SMW87839
			FL	SMW55391 – SMW55393
			GA	SMW55308 – SMW55312
			IA	SMW60170 – SMW60173
			IL	SMW58195 – SMW58197
				UFCW data
			IN	SMW56848 – SMW56851
			KS	SMW57997 – SMW57999
			KY	SMW56707 – SMW56712
			LA	SMW67243 – SMW67253
			MA	SMW000383 – SMW000388
			MD	SMW101966 – SMW101968
			MI	SMW38590 – SMW38592
			MN	SMW57249 – SMW57250
			MO	SMW57478 – SMW57487
			MS	SMW71608 – SMW71610
			MT	SMW096442 – SMW096448
			NC	SMW60301 – SMW60306
			ND	SMW84432 – SMW84434

			NE	SMW82970 – SMW82984
			NJ	SMW77090 – SMW77101
			NV	SMW55967 – SMW55969
			NY	SMW61193 – SMW61198
			OH	SMW55828 – SMW55832
			OK	SMW48045 – SMW48046
			OR	SMW56807 – SMW56813
			PA	SMW56977 – SMW56981
			RI	SMW62393 – SMW62396
			SC	SMW104453 – SMW104455
			TN	SMW62843 – SMW62845
			TX	SMW54413 – SMW54418
			VA	SMW56982 – SMW56985
			VT	SMW90693 – SMW90694
			WA	SMW64452 – SMW64455
			WI	SMW59999 – SMW60001
			WV	SMW45164 – SMW45166
<b>Diazepam</b>	<b>J3360</b>	<b>Multi</b>	AL	SMW856684 – SMW85686
			AR	SMW83592 – SMW83593
			CA	SMW096864 – SMW096866
			FL	SMW87029 – SMW87031
			GA	SMW65400
			IL	SMW85488 – SMW85490
			IN	SMW55658 – SMW55659
			KS	SMW37548 – SMW37550
			MA	SMWMASS001566 – SMWMASS001568
			MN	SMW87273 – SMW87275
			NY	SMW096636 – SMW096637
			OH	SMW094546 – SMW094548
			OR	SMW91792 – SMW91794
			PA	SMW88734 – SMW88737
			SC	SMW92763 – SMW92764
			TN	SMW096681 – SMW096682
			TX	SMW73752 – SMW73762
<b>Ferrlecit</b>	<b>J2916, J2915</b>	<b>Multi</b>	GA	SMW78940 – SMW78944
			IL	SMW80674 – SMW80676
			LA	SMW59968 – SMW59970
			MA	SMW75870 – SMW75872
			NJ	SMW73255 – SMW73261
			NY	SMW3150 – SMW31562
			OH	SMW74922 – SMW74924
			PA	SMW31563 – SMW31565
			TX	SMW099582 – SMW099587
			WI	SMW05139 – SMW05143

<b>Fluphenzine</b>	<b>J2680</b>	<b>Multi</b>	No Coverage	
<b>Gentamicin</b>	<b>J1580</b>	<b>Multi</b>	AL	SMW39691 – SMW39693
			AR	SMW56820 – SMW56821
			AZ	SMW102700 – SMW102704
			CA	SMW75063 – SMW75065
			CO	SMW55095 – SMW55097
			CT	SMW71572 – SMW71575
			FL	SMW60447 – SMW60449
			GA	SMW095264 – SMW095269
			IL	SMW102626 – SMW102628
			IN	SMW097838 – SMW097841
			LA	SMW86179 – SMW86180
			MA	SMWMASS001602 – SMWMASS001604
			MD	SMW54422 – SMW54423
			MI	SMW84627 – SMW84631
			MN	SMW89360 – SMW89361
			MO	SMW85729 – SMW85731
			NC	SMW097817 – SMW097819
			ND	SMW099697 – SMW099699
			NJ	SMW48734 – SMW48737
			NY	SMW68974 – SMW68975
			OH	SMW68232 – SMW68233
			PA	SMW44328 – SMW44331
			SC	SMW74331 – SMW74333
			TN	SMW56374 – SMW56376
			TX	SMW69355 – SMW69357
			VA	SMW54186 – SMW54188
			WA	SMW90796 – SMW90804
			WI	SMW60307 – SMW60309
<b>Infed</b>	<b>J1750</b>	<b>Multi</b>	AL	SMW103996 – SMW104005
			AZ	SMW77084 – SMW77086
			CA	SMW62966 – SMW62968
			CO	SMW095677 – SMW095680
			FL	SMW65848 – SMW65852
			IA	SMW60252 – SMW60255
			IL	SMW53894 – SMW53896
			IN	SMW65609 – SMW65611
			KY	SMWSMW30049 – SMW30057
			LA	SMW67323 – SMW67328
			MA	SMWMASS001259 – SMWMASS001268
			MD	SMW89892 – SMW89894
			MI	SMW64743 – SMW64745
			MI	SMW100259 – SMW100261

			MN	SMW73305 – SMW73307
			MN	SMW75245 – SMW75249
			ND	SMW75245 – SMW75249
			NE	SMW094361 – SMW094363
			NJ	SMW80140 – SMW80141
			NY	SMW83464 – SMW80468
			OH	SMW59813 – SMW59815
			PA	SMW88109 – SMW88113
			TX	SMW63604 – SMW63606
			WA	SMW105961 – SMW105963
			WI	SMW78076 – SMW78082
			WV	SMW45164 – SMW45166
<b>Lorazepam</b>	<b>J2060</b>	<b>Multi</b>	AR	SMW095362 – SMW095363
			AZ	SMW79994 – SMW79997
			CA	SMW81928 – SMW81933
			FL	SMW55404 – SMW55413
			GA	SMW42475 – SMW42478
			IL	SMW65039 – SMW65044
			IN	SMW103771 – SMW103775
			KS	SMW56190 – SMW56194
			KY	SMW096996 – SMW97004
			MD	SMW64484 – SMW64487
			MN	SMW86589 – SMW86590
			NE	SMW099783 – SMW099794
			NJ	SMW100051 – SMW100056
			NV	SMW94839 – SMW84952
			OH	SMW74620 – SMW74623
			TX	SMW72710 – SMW72714
			WA	SMW57913 – SMW57923
			WI	SMW45369 – SMW45372
<b>Vancomycin</b>	<b>J3370</b>	<b>Multi</b>	AL	SMW094591 – SMW094592
			AR	SMW90092 – SMW90101
			CA	SMW83887 – SMW83890
			CO	SMW65505 – SMW65524
			FL	SMW65937 – SMW65948
			GA	SMW68636 – SMW68637
			IA	SMW097971 – SMW097972
			IL	SMW32685 – SMW32688
			IN	SMW095484 – SMW095502
			KS	SMW096464 – SMW096466
			KY	SMW58748 – SMW58750
			LA	SMW097312 – SMW097314
			MA	SMW75870 – SMW75872
			MD	SMW63878 – SMW63880
			MN	SMW64756 – SMW64757

			MO	SMW79894 – SMW79895
			NE	SMW093532 – SMW093536
			NJ	SMW73604 – SMW73606
			NY	SMW106651 – SMW106653
			OH	SMW88417 – SMW88419
			PA	SMW75803 – SMW75805
			TN	SMW60678 – SMW60680
			TX	SMW60384 – SMW60386
			WA	SMW61353 – SMW61356
			WI	SMW102071 – SMW102074
			WI	SMW106482 – SMW106486
			WV	SMW54043 – SMW54051

**WATSON – Track 2 Nationwide Coverage – CLASS 3  
(Pirelli and UFCW)**

Drug	HCPCS Code	Drug Source	Class 2 Sample Documentation	
			State	Document
Dexamethasone Acetate	J1094	Multi	AZ	PIRELLI000399 – PIRELLI000401
			AR	UFCW data
			CA	PIRELLI004830 – PIRELLI004833 UFCW data
			IA	PIRELLI008456 – PIRELLI008458
			IL	UFCW data
			KY	UFCW data
			MS	PIRELLI008683 – PIRELLI008686
			TN	PIRELLI007365 – PIRELLI007366
Dexamethasone Sodium	J1100, J7637, J7638	Multi	AR	UFCW data
			AZ	PIRELLI003769 – PIRELLI003770
			CA	PIRELLI003613 – PIRELLI003616
			FL	PIRELLI009479 – PIRELLI009481 UFCW data
			IA	PIRELLI002075 – PIRELLI002077
			IL	PIRELLI007856 – PIRELLI007868 UFCW data
			IN	UFCW data
			KY	PIRELLI002579 – PIRELLI002581
			LA	PIRELLI002067 – PIRELLI002071 UFCW data
			MO	PIRELLI005697 – PIRELLI005699 UFCW data
			MS	PIRELLI009671 – PIRELLI009674
			NV	UFCW data
			OK	UFCW data
			TN	PIRELLI002030 – PIRELLI002038 UFCW data
			TX	UFCW data
			WI	UFCW data
Diazepam	J3360	Multi	AR	UFCW data
			AZ	UFCW data
			FL	PIRELLI009485 – PIRELLI009490
			IA	PIRELLI007470 – PIRELLI007472 PIRELLI011084 – PIRELLI011085
			IL	UFCW data
			NV	PIRELLI012768 – PIRELLI012774
			TN	PIRELLI008674 – PIRELLI008676
Ferrlecit	J2916,	Multi	IL	UFCW data

	<b>J2915</b>		TN	PIRELLI008869 – PIRELLI008886
			WI	UFCW data
<b>Fluphenazine</b>	<b>J2680</b>	<b>Multi</b>	IL	UFCW data
<b>Gentamicin</b>	<b>J1580</b>	<b>Multi</b>	CA	PIRELLI011203 – PIRELLI011205
			FL	UFCW data
				PIRELLI012521 – PIRELLI012522
			IA	PIRELLI007104 – PIRELLI007106
			IL	UFCW data
			LA	PIRELLI002091 – PIRELLI002094
			MO	UFCW data
			MS	PIRELLI004841 – PIRELLI004843
			TN	PIRELLI004441 – PIRELLI004443
<b>Infed</b>	<b>J1750</b>	<b>Multi</b>	CA	PIRELLI010150 – PIRELLI010168
			IA	PIRELLI009859 – PIRELLI009869
			IL	UFCW data
			MO	PIRELLI009870 – PIRELLI009871
			WI	UFCW data
<b>Lorazepam</b>	<b>J2060</b>	<b>Multi</b>	FL	UFCW data
			IL	UFCW data
			IN	UFCW data
			MO	UFCW data
			MS	PIRELLI011437 – PIRELLI011440
<b>Vancomycin</b>	<b>J3370</b>	<b>Multi</b>	FL	UFCW data
				PIRELLI012498 – PIRELLI012503
			IL	UFCW data
			IN	UFCW data
			TN	PIRELLI003997

## Exhibit B



Watson Track II Drug Coverage Class 2 (Sheet Metal Workers and UFCW) and Class 3 (Pirelli and UFCW)

Drug	HCPCS Code	Drug Source	Class 2 Coverage Sheet Metal Workers	Class 2 Coverage UFCW	Class 3 Coverage Pirelli	Class 3 Coverage UFCW
Dexamethasone Acetate	J1094	Multi	AL AR AZ CA FL GA IL IN LA MS NY OH PA TN	none	AZ CA IA MS TN	IL
Dexamethasone Sodium	J1100, J7637, J7638	Multi	AL AR AZ CA CO CT FL GA IA IL IN KS KY LA MA MD MI MN MO MS MT NC ND NE NJ NV NY OH OK OR PA RI SC TN TX VA VT WA WI WV	IL	AZ CA FL IA IL KY LA MO MS TN	AR FL IL IN MO NV OK TX WI
Diazepam	J3360	Multi	AL AR CA FL GA IL IN KS MA MN NY OH OR PA SC TN TX	none	FL IA NV TN	AR AZ IL
Ferlecit	J2916	Multi	GA IL LA NJ NY OH PA TX WI	none	TN	none
Fluphenazine	J2680	Multi	none	none	none	IL
Gentamicin	J1580	Multi	AL AR AZ CA CO CT FL GA IL IN LA MA MD MI MN MO NC ND NJ NY OH PA SC TN TX VA WA WI	none	CA FL IA LA MS TN	FL IL MO

## Watson Track II Drug Coverage Class 2 (Sheet Metal Workers and UFCW) and Class 3 (Pirelli and UFCW)

Infed	J1750	Multi	AL AZ CA CO FL IA IL IN KY LA MA MD MI MN ND NE NJ NY OH PA TX WA WI WV	none	CA IA MO	IL WI
Lorazepam	J2060	Multi	AR AZ CA FL GA IL IN KS KY MD MN NE NJ NV OH TX WA WI	none	MS	IL IN
Vancomycin	J3370	Multi	AL AR CA CO FL GA IA IL IN KS KY LA MA MD MN MO NE NJ NY OH PA TN TX WA WI WV	none	FL TN	FL IL

Manufacturers at Drug Utilization Date
Allscripts*, Alto Pharmaceuticals Inc., American Pharmaceutical Partners, American Regent, Astellas Pharma, Baxter, Central Pharmaceutical, Clint Pharmaceuticals, Consolidated Midland Corp, Elkins-Sinn, Hyrex, Ide Interstate, Insource, Iolab Pharmaceuticals, Legere Pharmaceuticals, Major Pharmaceuticals, Medtech, Merz, Organon, Physicians Total Care*, Roberts/Hauck Pharm. Corp., <b>Rugby Laboratories (Watson)</b> , <b>Schein (Watson)</b> , Seatrice Co, Shoals Pharmaceuticals Inc., Sicor, Taylor, Truxton Co. Inc., Veratex Corp.
<b>(Watson Not Identified)</b>
American Pharmaceutical Partners, B. Braun Medical, Elkins-Sinn, Hospira (Physicians Total Care* entered in 2003)

Watson Track III Drug Coverage Class 2 (Sheet Metal Workers and UFCW) and Class 3 (Pirelli and UFCW)

(Watson Not Identified) American Pharmaceutical Partners, Baxter, Elkins Sinn, Hospira

**WATSON – Track 2 Nationwide Coverage – CLASS 2**  
**(Sheet Metal Workers and UFCW)**

Drug	HCPCS Code	Drug Source	Class 2 Sample Documentation	
			State	Document
<b>Dexamethasone Acetate</b>	<b>J1094</b>	<b>Multi</b>	AL	SMW82213 – SMW82222
			AR	SMW094880 – SMW094882
			AZ	SMW45291 – SMW5293
			CA	SMW105524 – SMW105532
			FL	SMW80200 – SMW80212
			GA	SMW39052 – SMW39054
			IL	SMW51201 – SMW51203
			IN	SMW093816 – SMW093818
			LA	SMW81442 – SMW81444
			MS	SMW101381 – SMW101382
			NY	SMW60173 – SMW60274
			OH	SMW099219 – SMW099220
			PA	SMW102094 – SMW102096
			TN	SMW093937 – SMW093939
<b>Dexamethasone Sodium</b>	<b>J1100, J7637, J7638</b>	<b>Multi</b>	AL	SMW88064 – SMW88068
			AR	SMW62000 – SMW62002
			AZ	SMW55394 – SMW55398
			CA	SMW64848 – SMW64851
			CO	SMW88149 – SMW88151
			CT	SMW87833 – SMW87839
			FL	SMW55391 – SMW55393
			GA	SMW55308 – SMW55312
			IA	SMW60170 – SMW60173
			IL	SMW58195 – SMW58197
				UFCW data
			IN	SMW56848 – SMW56851
			KS	SMW57997 – SMW57999
			KY	SMW56707 – SMW56712
			LA	SMW67243 – SMW67253
			MA	SMW000383 – SMW000388
			MD	SMW101966 – SMW101968
			MI	SMW38590 – SMW38592
			MN	SMW57249 – SMW57250
			MO	SMW57478 – SMW57487
			MS	SMW71608 – SMW71610
			MT	SMW096442 – SMW096448
			NC	SMW60301 – SMW60306
			ND	SMW84432 – SMW84434

			NE	SMW82970 – SMW82984
			NJ	SMW77090 – SMW77101
			NV	SMW55967 – SMW55969
			NY	SMW61193 – SMW61198
			OH	SMW55828 – SMW55832
			OK	SMW48045 – SMW48046
			OR	SMW56807 – SMW56813
			PA	SMW56977 – SMW56981
			RI	SMW62393 – SMW62396
			SC	SMW104453 – SMW104455
			TN	SMW62843 – SMW62845
			TX	SMW54413 – SMW54418
			VA	SMW56982 – SMW56985
			VT	SMW90693 – SMW90694
			WA	SMW64452 – SMW64455
			WI	SMW59999 – SMW60001
			WV	SMW45164 – SMW45166
<b>Diazepam</b>	<b>J3360</b>	<b>Multi</b>	AL	SMW856684 – SMW85686
			AR	SMW83592 – SMW83593
			CA	SMW096864 – SMW096866
			FL	SMW87029 – SMW87031
			GA	SMW65400
			IL	SMW85488 – SMW85490
			IN	SMW55658 – SMW55659
			KS	SMW37548 – SMW37550
			MA	SMWMASS001566 – SMWMASS001568
			MN	SMW87273 – SMW87275
			NY	SMW096636 – SMW096637
			OH	SMW094546 – SMW094548
			OR	SMW91792 – SMW91794
			PA	SMW88734 – SMW88737
			SC	SMW92763 – SMW92764
			TN	SMW096681 – SMW096682
			TX	SMW73752 – SMW73762
<b>Ferrlecit</b>	<b>J2916, J2915</b>	<b>Multi</b>	GA	SMW78940 – SMW78944
			IL	SMW80674 – SMW80676
			LA	SMW59968 – SMW59970
			MA	SMW75870 – SMW75872
			NJ	SMW73255 – SMW73261
			NY	SMW3150 – SMW31562
			OH	SMW74922 – SMW74924
			PA	SMW31563 – SMW31565
			TX	SMW099582 – SMW099587
			WI	SMW05139 – SMW05143

<b>Fluphenzine</b>	<b>J2680</b>	<b>Multi</b>	No Coverage	
<b>Gentamicin</b>	<b>J1580</b>	<b>Multi</b>	AL	SMW39691 – SMW39693
			AR	SMW56820 – SMW56821
			AZ	SMW102700 – SMW102704
			CA	SMW75063 – SMW75065
			CO	SMW55095 – SMW55097
			CT	SMW71572 – SMW71575
			FL	SMW60447 – SMW60449
			GA	SMW095264 – SMW095269
			IL	SMW102626 – SMW102628
			IN	SMW097838 – SMW097841
			LA	SMW86179 – SMW86180
			MA	SMWMASS001602 – SMWMASS001604
			MD	SMW54422 – SMW54423
			MI	SMW84627 – SMW84631
			MN	SMW89360 – SMW89361
			MO	SMW85729 – SMW85731
			NC	SMW097817 – SMW097819
			ND	SMW099697 – SMW099699
			NJ	SMW48734 – SMW48737
			NY	SMW68974 – SMW68975
			OH	SMW68232 – SMW68233
			PA	SMW44328 – SMW44331
			SC	SMW74331 – SMW74333
			TN	SMW56374 – SMW56376
			TX	SMW69355 – SMW69357
			VA	SMW54186 – SMW54188
			WA	SMW90796 – SMW90804
			WI	SMW60307 – SMW60309
<b>Infed</b>	<b>J1750</b>	<b>Multi</b>	AL	SMW103996 – SMW104005
			AZ	SMW77084 – SMW77086
			CA	SMW62966 – SMW62968
			CO	SMW095677 – SMW095680
			FL	SMW65848 – SMW65852
			IA	SMW60252 – SMW60255
			IL	SMW53894 – SMW53896
			IN	SMW65609 – SMW65611
			KY	SMWSMW30049 – SMW30057
			LA	SMW67323 – SMW67328
			MA	SMWMASS001259 – SMWMASS001268
			MD	SMW89892 – SMW89894
			MI	SMW64743 – SMW64745
			MI	SMW100259 – SMW100261

			MN	SMW73305 – SMW73307
			MN	SMW75245 – SMW75249
			ND	SMW75245 – SMW75249
			NE	SMW094361 – SMW094363
			NJ	SMW80140 – SMW80141
			NY	SMW83464 – SMW80468
			OH	SMW59813 – SMW59815
			PA	SMW88109 – SMW88113
			TX	SMW63604 – SMW63606
			WA	SMW105961 – SMW105963
			WI	SMW78076 – SMW78082
			WV	SMW45164 – SMW45166
<b>Lorazepam</b>	<b>J2060</b>	<b>Multi</b>	AR	SMW095362 – SMW095363
			AZ	SMW79994 – SMW79997
			CA	SMW81928 – SMW81933
			FL	SMW55404 – SMW55413
			GA	SMW42475 – SMW42478
			IL	SMW65039 – SMW65044
			IN	SMW103771 – SMW103775
			KS	SMW56190 – SMW56194
			KY	SMW096996 – SMW97004
			MD	SMW64484 – SMW64487
			MN	SMW86589 – SMW86590
			NE	SMW099783 – SMW099794
			NJ	SMW100051 – SMW100056
			NV	SMW94839 – SMW84952
			OH	SMW74620 – SMW74623
			TX	SMW72710 – SMW72714
			WA	SMW57913 – SMW57923
			WI	SMW45369 – SMW45372
<b>Vancomycin</b>	<b>J3370</b>	<b>Multi</b>	AL	SMW094591 – SMW094592
			AR	SMW90092 – SMW90101
			CA	SMW83887 – SMW83890
			CO	SMW65505 – SMW65524
			FL	SMW65937 – SMW65948
			GA	SMW68636 – SMW68637
			IA	SMW097971 – SMW097972
			IL	SMW32685 – SMW32688
			IN	SMW095484 – SMW095502
			KS	SMW096464 – SMW096466
			KY	SMW58748 – SMW58750
			LA	SMW097312 – SMW097314
			MA	SMW75870 – SMW75872
			MD	SMW63878 – SMW63880
			MN	SMW64756 – SMW64757



			MO	SMW79894 – SMW79895
			NE	SMW093532 – SMW093536
			NJ	SMW73604 – SMW73606
			NY	SMW106651 – SMW106653
			OH	SMW88417 – SMW88419
			PA	SMW75803 – SMW75805
			TN	SMW60678 – SMW60680
			TX	SMW60384 – SMW60386
			WA	SMW61353 – SMW61356
			WI	SMW102071 – SMW102074
			WI	SMW106482 – SMW106486
			WV	SMW54043 – SMW54051

**WATSON – Track 2 Nationwide Coverage – CLASS 3  
(Pirelli and UFCW)**

Drug	HCPCS Code	Drug Source	Class 2 Sample Documentation	
			State	Document
<b>Dexamethasone Acetate</b>	<b>J1094</b>	<b>Multi</b>	AZ	PIRELLI000399 – PIRELLI000401
			CA	PIRELLI004830 – PIRELLI004833
			IA	PIRELLI008456 – PIRELLI008458
			IL	UFCW data
			MS	PIRELLI008683 – PIRELLI008686
			TN	PIRELLI007365 – PIRELLI007366
<b>Dexamethasone Sodium</b>	<b>J1100, J7637, J7638</b>	<b>Multi</b>	AR	UFCW data
			AZ	PIRELLI003769 – PIRELLI003770
			CA	PIRELLI003613 – PIRELLI003616
			FL	PIRELLI009479 – PIRELLI009481
				UFCW data
			IA	PIRELLI002075 – PIRELLI002077
			IL	PIRELLI007856 – PIRELLI007868
				UFCW data
			IN	UFCW data
			KY	PIRELLI002579 – PIRELLI002581
			LA	PIRELLI002067 – PIRELLI002071
			MO	PIRELLI005697 – PIRELLI005699
				UFCW data
			MS	PIRELLI009671 – PIRELLI009674
			NV	UFCW data
			OK	UFCW data
			TN	PIRELLI002030 – PIRELLI002038
			TX	UFCW data
			WI	UFCW data
<b>Diazepam</b>	<b>J3360</b>	<b>Multi</b>	AR	UFCW data
			AZ	UFCW data
			FL	PIRELLI009485 – PIRELLI009490
			IA	PIRELLI007470 – PIRELLI007472
				PIRELLI011084 – PIRELLI011085
			IL	UFCW data
			NV	PIRELLI012768 – PIRELLI012774
<b>Ferrlecit</b>	<b>J2916, J2915</b>	<b>Multi</b>	TN	PIRELLI008674 – PIRELLI008676
				PIRELLI008869 – PIRELLI008886
<b>Fluphenazine</b>	<b>J2680</b>	<b>Multi</b>	IL	UFCW data
<b>Gentamicin</b>	<b>J1580</b>	<b>Multi</b>	CA	PIRELLI011203 – PIRELLI011205
			FL	UFCW data
				PIRELLI012521 – PIRELLI012522

			IA	PIRELLI007104 – PIRELLI007106
			IL	UFCW data
			LA	PIRELLI002091 – PIRELLI002094
			MO	UFCW data
			MS	PIRELLI004841 – PIRELLI004843
			TN	PIRELLI004441 – PIRELLI004443
<b>Infed</b>	<b>J1750</b>	<b>Multi</b>	CA	PIRELLI010150 – PIRELLI010168
			IA	PIRELLI009859 – PIRELLI009869
			IL	UFCW data
			MO	PIRELLI009870 – PIRELLI009871
			WI	UFCW data
<b>Lorazepam</b>	<b>J2060</b>	<b>Multi</b>	IL	UFCW data
			IN	UFCW data
			MS	PIRELLI011437 – PIRELLI011440
<b>Vancomycin</b>	<b>J3370</b>	<b>Multi</b>	FL	UFCW data
				PIRELLI012498 – PIRELLI012503
			IL	UFCW data
			TN	PIRELLI003997

## Exhibit C

**Plaintiffs' Claimed Coverage for Ferrlecit for Sheet Metal Workers (Class 2)**

J-Code	Date of Admin	Place of Admin	State of Admin
2916	4/11/03	Gambro Healthcare	GA
2916	4/16/03	Gambro Healthcare	GA
2916	4/18/03	Gambro Healthcare	GA
2916	4/21/03	Gambro Healthcare	GA
2916	4/23/03	Gambro Healthcare	GA
2916	4/25/03	Gambro Healthcare	GA
2916	5/03*	Dialysis Centers of America	IL
2916	1/03*	Blue Island Dialysis Center	LA
2916	5/03*	Shore Memorial Hospital	NJ**
2916	5/03*	Shore Memorial Hospital	NJ**
2915	8/01*	North Jersey Dialysis Center	NJ
2916	12/12/03	Hortense & Louis Rubin	NY
2916	5/8/03	St. Rita's Medical Center	OH
2916	5/15/03	St. Rita's Medical Center	OH
2916	5/22/03	St. Rita's Medical Center	OH
2916	12/12/03	BMA of Uniontown	PA
2916	9/8/03	BMA Towngate Dialysis Center	TX
2916	9/10/03	BMA Towngate Dialysis Center	TX
2916	9/15/03	BMA Towngate Dialysis Center	TX
2916	9/17/03	BMA Towngate Dialysis Center	TX
2916	9/19/03	BMA Towngate Dialysis Center	TX
2916	9/22/03	BMA Towngate Dialysis Center	TX
2916	9/24/03	BMA Towngate Dialysis Center	TX
2916	9/26/03	BMA Towngate Dialysis Center	TX
2916	12/4/03	AMG Dialysis Centers	WI
2916	12/11/03	AMG Dialysis Centers	WI

\* Specific date not listed.

\*\* Plaintiffs claim Massachusetts coverage, but services were performed in NJ.

## Exhibit D

**Plaintiffs' Claimed Coverage for Ferrlecit for Pirelli (Class 3)**

J-Code	Date of Admin	Place of Admin	State of Admin
2916	8/03*	Renal Care Group Southeast	TN
2916	9/03*	Renal Care Group Southeast	TN
2916	9/03*	Renal Care Group Southeast	TN
2916	9/03*	Renal Care Group Southeast	TN
2916	10/03*	Renal Care Group Southeast	TN
2916	11/03*	Renal Care Group Southeast	TN

\* Specific date not listed.